

Office of the Secretary of Defense

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election process and make every reasonable effort to assist the Military Services in discharging the responsibilities outlined elsewhere in this part.

§ 233.6 Procedures.

(a) *FVAP Procedures.* The Director, FVAP, shall:

(1) Manage, coordinate, and perform the Presidential designee's responsibilities pursuant to 42 U.S.C. 1973ff.

(3) Encourage and assist States and other U.S. jurisdictions to adopt the mandatory and recommended provisions of 42 U.S.C. 1973ff-1 and ensure they are aware of the requirements of 42 U.S.C. 1973ff.

(4) Establish and maintain contact with State election officials, State legislators, and with other State and local government officials to improve the absentee voting process for the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) citizens. Consult with the Defense State Liaison Office which is the DoD office for contact and coordination with Federal, State, and local government entities for legislative and other policy matters involving voting assistance and elections pursuant to 42 U.S.C. 1973ff *et seq.*

(5) Obtain, from each State, current voter registration and absentee voting information and disseminate it to other Federal Executive departments, agencies, DoD Components and voters qualified to vote, pursuant to 42 U.S.C. 1973ff(b)(5).

(6) Establish and maintain a voting assistance program to assist all eligible voters as covered by 42 U.S.C. 1973ff *et seq.*, and to assist those persons to vote.

(7) Establish and maintain an FVAP Web site that provides:

(i) Information to citizens on the voter registration and absentee voting process.

(ii) Information on the means of electronic transmission of election materials allowed by each State.

(iii) A method to assist citizens in the voter registration process and how to request an absentee ballot.

(iv) A list of State contact information in accordance with 42 U.S.C. 1973ff-1(e)(4).

(v) The ability to print a Standard Form (SF) 186, "Federal Write-In Ab-

sentee Ballot," and a list of all candidates in a Federal election.

(vi) A portal that hosts Service-specific information regarding voting assistance programs, including links to IVA offices; the contact information for voting assistance officers (installation, major command and commissioned units) within the DoD Component; procedures to order voting materials; and links to other Federal and State voting Web sites.

(vii) Absentee ballot data reported under 42 U.S.C. 1973ff(b)(6) and (b)(11) and 42 U.S.C. 1973ff-4A.

(viii) Other information as deemed necessary by Director, FVAP.

(8) Survey U.S. citizens including, but not limited to uniformed services and their dependents as well as overseas U.S. civilians covered by 42 U.S.C. 1973ff *et seq.*, voting assistance officers (VAOs), and election officials to gather necessary statistical information and prepare the reports to the President and the Congress required by 42 U.S.C. 1973ff(6) and 42 U.S.C. 1973ff-4A.

(9) Prescribe the standard oath to be used with any document pursuant to 42 U.S.C. 1973ff(7).

(10) Coordinate with the Military Postal Service Agency, as addressed in DoD 4525.6-M (available at <http://www.dtic.mil/whs/directives/corres/pdf/452506m.pdf>), to implement measures to ensure a postmark or other proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea, and that voting materials are moved expeditiously to the maximum extent practicable by military postal authorities.

(11) As a component of a comprehensive marketing and voter education initiative, establish a means to inform absent uniformed services members of absentee voting information and resources 90, 60, and 30 days before each Federal election pursuant to 42 U.S.C. 1973ff-2B(a)(2).

(12) Develop standards, working with the U.S. Election Assistance Commission and the Chief State election official of each State, for the States to report data on the number of absentee ballots transmitted and received during a regularly scheduled general election for Federal office pursuant to 42 U.S.C. 1973ff(b)(11). Provide a means to

store the collected data and make the data available to the public.

(13) Establish procedures, in consultation with the Attorney General, regarding hardship exemption waivers submitted by a State pursuant to 42 U.S.C. 1973ff-1(g).

(14) Prescribe the required voting program metrics to be used by the DoD Components and uniformed services to be used in evaluating their individual voting assistance programs, and report on compliance with those metrics. To the extent practicable, establish and maintain an online portal to collect and consolidate voting program metrics.

(15) Provide technology programs to assist uniformed service and overseas voters in registering to vote, applying for an absentee ballot, receiving an absentee ballot, and to the extent required by section 1604 of Public Law (Pub. L.) 107-107, as amended by section 567 of Public Law 108-375, returning a voted ballot.

(16) Develop and coordinate with the States the implementation and operational procedures for persons to apply to register to vote at recruitment offices of the Military Services. Assist the Deputy Assistant Secretary of Defense for Military Personnel Policy with the implementation of section 42 U.S.C. 1973gg-5(c) as it applies to recruitment offices within the DoD.

(17) In coordination with the Services, develop multiple types of training materials for use by IVA offices, IVAOs, UVAOs, and recruiters to provide voter registration and absentee ballot assistance and at recruitment offices of the Military Services to provide voter registration assistance. Conduct voting assistance training during even-numbered years worldwide.

(18) Analyze the impact of providing voter registration assistance and make recommendations for improvements in Federal and State procedures, forms, and laws affected by 42 U.S.C. 1973ff *et seq.*

(19) Maintain multiple lines of support for use by uniformed services and overseas voters, personnel assigned to recruitment offices of the Military Services and State election officials to provide assistance outlined pursuant to 42 U.S.C. 1973ff.

(b) *DoD Component and Uniformed Services Procedures.* The DoD Components and the uniformed services shall:

(1) Develop written voting-related policies to support all eligible uniformed services personnel and their family members including those in deployed, dispersed, and tenant organizations. Establish the ratio and maximum number of voters who may be represented by a VAO.

(2) Ensure command support at all levels for the FVAP.

(3) Designate in writing a uniformed officer of flag grade or a civilian employee in the Senior Executive Service in each uniformed service as the SSVR to manage the respective Service voting programs.

(4) Designate a SVAO, preferably a civilian employee (General Schedule (GS)-12 or higher), to assist the SSVR and who shall be responsible for voting assistance operations within his or her Service.

(i) If the SVAO is a military member, he or she should be at least of pay grade O-4 (if an officer) or E-8 (if enlisted) and shall be a permanently assigned member within the SSVR's organization.

(ii) The chief or director of each Reserve Component shall designate an SVAO to coordinate with the SSVR and the Director, FVAP to maintain a contingency absentee voting program for the National Guard and Reserve units and personnel who have been activated and deployed.

(5) Establish IVA offices on each military installation and maintain an updated list of IVA offices, including location, address, hours of operation, phone number and email address, published on the Service voting assistance Web site. At the discretion of the installation commander, satellite offices may be established under the primary IVA office.

(i) The IVA office will provide voter assistance to military personnel, their dependents, civilian Federal employees, and all qualified voters who have access to such installation offices. IVA offices shall also serve as voter registration agencies under 42 U.S.C. 1973gg-5(a)(2).

(ii) The IVA office shall be established within the installation headquarters organization reporting directly to the installation commander, even if geographically located in another office.

(iii) The IVA office should be located in a well-advertised, fixed location, consistent throughout the Service, and should be physically co-located with an existing office that receives extensive visits by Service personnel, family members, and DoD civilians. The IVA office shall be staffed during the hours the installation office is open with trained personnel to provide direct assistance in registration and voting procedures, including the assistance required under 42 U.S.C. 1973gg-5(a)(4).

(iv) The IVA office shall:

(A) Be included in the administrative in-processing and out-processing activities required of reporting and detaching personnel.

(B) Ensure that uniformed services members, their voting-age dependents, and overseas DoD civilians are provided proper voting assistance at the IVA office, including the opportunity to update their voter registration information through the submission of a revised SF 76, "Federal Post Card Application (FPCA)" or National Mail Voter Registration Form.

(C) Ensure that voting assistance is provided to all personnel, military and civilian, reporting for duty on the installation, detaching from duty, deploying, and returning from deployment of 6 months or longer.

(1) SF 76s shall be used to notify local election officials of the change of mailing address for absentee ballot delivery purposes.

(2) Uniformed services members who are being released from active duty shall be advised to notify their local election office that they are no longer covered under 42 U.S.C. 1973ff and shall be provided the opportunity to submit a National Mail Voter Registration Form.

(D) Ensure that all small and geographically separated units are provided voting assistance.

(E) Provide written information on voter registration and absentee ballot procedures. This can be met by providing the applicant with the SF 76, SF

186, (if applicable), or the National Mail Voter Registration Form, the attached instructions for those forms, and the State-specific instructions from the Voting Assistance Guide (available at <http://www.fvap.gov>) for absent uniformed services voters, voting-age dependent voters, and overseas civilians. Citizens may also be provided with all of the necessary resources including, but not limited to, access to a computer system connected to the Internet, a printer, and a scanner to use the FPCA wizard available at the FVAP Web site, www.fvap.gov.

(1) SF 76 and SF 186 (if applicable) shall be provided to absent uniformed services personnel and their family members (within and outside of the United States) and to Federal civilian employees and other U.S. citizens who have access to an IVA office outside the United States.

(2) The National Mail Voter Registration Form shall be provided to Federal civilian employees and other U.S. citizens who have access to the IVA office within the United States, and to uniformed services voters who currently reside in their voting districts.

(F) Provide direct assistance to individuals in completing the forms necessary to register to vote, update their voter registration information, and request absentee ballots.

(G) Collect from the voter and transmit the completed SF 76 or National Mail Voter Registration Form for the applicant, within 5 calendar days, to the appropriate local election office.

(H) Maintain voting program metrics as coordinated with and prescribed by the Director, FVAP and furnish a report, via their SVAO, to the Director, FVAP each calendar quarter or as requested.

(6) Designate VAOs, in writing, at every level of command; assign one VAO on each installation and in each major command to coordinate the programs conducted by subordinate units and tenant commands.

(i) For continuity, individuals assigned as IVAOs should serve for 18 months beginning in October of the year immediately prior to a regularly scheduled general election for Federal offices and concluding in March of the year immediately following a regularly

scheduled general election for Federal offices.

(ii) Ensure that VAOs are available and equipped to assist voters for all elections. VAOs shall be provided the time and resources needed to perform their voting assistance duties.

(iii) When uniformed services personnel (including noncommissioned officers) are designated as VAOs this part authorizes them to administer oaths in connection with voter registration and voting.

(7) Designate IVAOs, preferably civilians (GS–12 or higher) with access to the installation commander. If a uniformed services member is assigned as the IVAO, that officer should hold the pay grade of O–4 or higher; however, it is preferable to assign an enthusiastic volunteer who is outside this rank and grade guidance rather than assign a less enthusiastic member who meets the criterion.

(i) The IVAO shall complete FVAP training before assuming the duties of the IVAO.

(ii) The IVAO shall work closely with the IVA office to coordinate the unit-level voting assistance programs implemented on that installation.

(iii) Each IVAO shall notify installation personnel of the last date before a general election for Federal offices by which absentee ballots must be mailed to reasonably be delivered in time to State and local election officials and of general mail delivery deadlines recommended by the Military Postal Service Agency.

(8) Designate and assign, in writing, a UVAO, at the O–2/E–7 level or above, within each unit of 25 or more permanently assigned members. It is preferable to assign an enthusiastic volunteer who is outside this rank and grade guidance rather than assign a less enthusiastic member who meets the criterion.

(i) A UVAO shall complete FVAP training prior to assuming the duties of the UVAO as specified in this rule. Unit commanders shall, to the extent practicable, provide funding to enable their UVAOs to attend in-person training.

(ii) An additional UVAO should be assigned for each additional 50 members above the 25-member base.

(iii) UVAOs shall ensure that all small and geographically separated units are assisted.

(iv) UVAOs may advise and assist the IVA office in fulfilling the voter assistance functions for deploying personnel, personnel returning from deployment, and personnel recording a change of address. However, the individual in charge of the IVA office is responsible to require that UVAOs have fully complied with the voter assistance responsibilities as described in 42 U.S.C. 1973ff.

(9) Require that uniformed services members and their voting-age dependents have ready access to absentee voter registration, ballot request and absentee ballot submission information, deadlines, and recommended mailing dates to meet those deadlines. This information must be available online and in written format for those citizens who do not have access to online documents.

(10) Expeditiously obtain and disseminate to eligible voters, voting information and related materials, such as the Voting Assistance Guide, SF 76, and SF 186.

(11) Provide sufficient registration and ballot request materials to support all elections.

(12) Establish within each military installation and major command a VAO network and communications capability to quickly disseminate voting information throughout the installation or major command. Establish a DoD Component-wide means to communicate effectively with and expeditiously disseminate voting information to Commanders, VAOs, and uniformed services and overseas DoD civilian members of the DoD Component and their voting age dependents. This communication effort should be coordinated with the FVAP.

(13) Develop a DoD Component-wide communications plan to provide information on the absentee voting process (including State registration and absentee ballot deadlines and the effective deadlines for mailing from overseas and remote locations to meet those State deadlines), encourage voting participation, schedule voting communications from Component leaders,

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and program the distribution of voting materials.

(14) Develop a distribution system to deliver SF 76s directly to all eligible voters either through in-hand delivery or through electronic means.

(15) The delivery of SF 76s shall be accomplished:

(i) By January 15 of each calendar year to eligible voters and, to the extent practicable, their voting-age dependents.

(ii) By July 15 of even-numbered years to eligible voters and, to the extent practicable, voting-age dependents.

(iii) Before graduation and detachment from recruit training. These SF 76s shall be used to notify local election officials of the change of mailing address for absentee ballot delivery purposes.

(16) Require the Inspectors General of the Military Departments to review their voting assistance program annually, and at every level of command, to ensure compliance with 10 U.S.C. 1566a, 42 U.S.C. 1973gg-5, 42 U.S.C. 1973ff-1973ff-6, 18 U.S.C. 592, 18 U.S.C. 609, DoD 8910.1-M (available at <http://www.dtic.mil/whs/directives/corres/pdf/891001m.pdf>), and DoD 4525.6-M. A copy of this report shall be submitted to the IG DoD along with supporting statistical information to the Director, FVAP, by January 31 of the following year pursuant to 10 U.S.C.

(17) Continually evaluate command voting assistance programs. Program metrics shall be reported to the Director, FVAP, as prescribed by paragraph n. in Enclosure 3.

(18) Establish and maintain a direct link from the DoD Component's Web site to the Web site designated by the Director, FVAP.

(19) Develop comprehensive command-wide voting awareness, assistance programs, and activities in accordance with the requirement of paragraph (15)(i) of this section to annually deliver SF76s by January 15. "Armed Forces Voters Week" will be advertised to encourage voter registration drives.

(20) Establish and maintain a standard email address of the form `Vote@(unit).(Service).mil`, `Vote.(unit)@(Service).mil` or similar

format to contact all UVAOs within that Service.

(21) Annually train all uniformed service members (including activated National Guard and Reserve personnel) on absentee registration and voting procedures.

(i) All basic training and command courses shall emphasize and advertise voting assistance programs to encourage service members to register and subsequently vote by offering instruction on voting rights and responsibilities and procedures on absentee registration and voting.

(ii) Provide training and voting assistance for units preparing for deployment where voting materials and accessibility to register may be limited due to at-sea or remote area deployment.

(iii) Retain records of training conducted, including dates and attendees, at the unit level for at least 1 calendar year.

(22) Require that all major command, installation, and UVAOs attend an FVAP voting assistance workshop during even-numbered years with elections for Federal offices. If the installation is not scheduled to receive FVAP workshop training, installation and UVAOs should attend training at a nearby installation. VAOs at remote locations can access the FVAP Web site for training. Documentation of VAO training at the installation or base level shall be stored within local personnel records.

(23) To the greatest extent practicable, ensure voters who are eligible to cast absentee ballots on DoD facilities are able to do so in a private and independent manner.

(24) Protect the privacy of the contents of absentee ballots while under DoD control. Voters who vote locally at polling sites should be provided time to vote during working hours.

(25) File an annual after-action report to the Director, FVAP, in the format and manner specified by the Director, FVAP.

(26) Assist the FVAP in conducting official surveys in the manner specified by the Director, FVAP.

(27) Refrain from contacting State and local government officials about voting policy matters. The Director,

Defense State Liaison Office, in consultation with the Director, FVAP, shall be the DoD representative for coordination with Federal, State, and local government entities for legislative and other policy matters involving voting assistance and elections pursuant to 42 U.S.C. 1973ff *et seq.*

(i) IVAOs, major command voting assistance officers, and SVAOs are encouraged to discuss voting policy concerns with FVAP, and may work with FVAP on such issues at the Director, FVAP's request.

(ii) IVAOs, major command voting assistance officers, and SVAOs may contact local election officials to help resolve any specific problem involving voter registration or absentee voting on behalf of the voter, or to engage appropriate local election official assistance for a voter registration drive or similar event on an installation.

(28) Consolidate and provide quarterly statistical information and records on voter registration assistance provided by the UVAOs and the IVA offices in a format prescribed by the Director, FVAP.

(29) Ensure all personnel assigned to transition assistance program offices are informed of the policies in this part and are trained to provide materials educating transitioning personnel on their civilian voting rights and responsibilities. Transition assistance program offices shall work with the Director, FVAP, to provide pre-printed notices that transitioning personnel may use to inform their election offices that they no longer will vote absentee in accordance with the provisions of 42 U.S.C. 1973ff.

(30) Ensure all personnel assigned to recruitment offices are informed of the policies in this part and are trained to provide voter registration assistance. Ensure the recruitment offices of the Military Services:

(i) Provide each prospective enlistee with the National Mail Voter Registration Form, available at http://www.eac.gov/voter/Register_to_Vote, and DD Form 2645, Voter Registration Information Form, available at <http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfo2084.html>, unless the applicant, in writing, declines to register to vote.

(ii) Distribute the National Mail Voter Registration Form to each eligible citizen and provide assistance in completing the form unless the applicant refuses such assistance.

(iii) Provide each eligible citizen or prospective enlistee who does not decline to register to vote the same degree of assistance for the completion of the National Mail Voter Registration Form as is provided by the office for the completion of its own forms, e.g., the application for enlistment, unless the person refuses such assistance.

(iv) Transmit all completed registration applications within 5 calendar days to the appropriate State election officials.

(v) Maintain statistical information and records on voter registration assistance provided by recruitment offices in the format prescribed by the Director, FVAP, for a period of two years, in accordance with 42 U.S.C. 1973gg(6)(i).

(31) Ensure that inspections of recruitment offices of the Military Services by the Service Inspectors General are in compliance with this part.

(32) As discussed in DoD 4525.6-M, the Director, Military Postal Service Agency shall:

(i) Implement measures in consultation with the FVAP, to the maximum extent practicable, to ensure that a postmark or other proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea and that voting materials are moved expeditiously, to the maximum extent practicable, by military postal authorities.

(ii) Develop an outreach plan to inform overseas uniformed services voters regarding the ballot collection and delivery service to be implemented prior to each general election for Federal office.

(iii) Establish alternative deadlines for collecting and forwarding absentee ballots from overseas locations as required by 42 U.S.C. 1973ff.

(33) Revise all voting assistance program instructions and procedures to incorporate the provisions of this part.

(c) *Executive Department and Agency Procedures.* (1) Federal Executive departments and agencies, including, but not limited to, the Department of

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State, the Department of Commerce, and the Department of Health and Human Services, are encouraged to adopt regulations and procedures that conform to this part to the maximum extent practicable, consistent with their organizational missions. By doing so, the FVAP will be able to assist the Executive departments, agencies, and their voting constituencies to the maximum extent.

(2) The head of each Government department, agency, or other entity shall distribute balloting materials and develop a non-partisan program of information and education for all employees and family members pursuant to 42 U.S.C. 1973ff(c).

(i) The department or agency is responsible for providing voter assistance with assistance available from the FVAP.

(ii) Each department or agency with employees or family members covered by 42 U.S.C. 1973ff shall designate an individual to coordinate and administer a voting assistance program for the department or agency to include, where practicable, the responsibilities in this part. The name, address, and telephone number of this individual shall be provided to the Director, FVAP.

(iii) The Secretary of State shall designate a voting action officer at the Department of State headquarters to oversee the Department's program as well as a U.S. citizen at each U.S. embassy or consulate to assist, to the fullest extent practicable, other U.S. citizens residing outside of the United States who are eligible to vote. The Secretary of State shall provide annually, or as requested by the Director, FVAP, estimates of the numbers of U.S. citizens currently residing in each country with an established embassy.

(iv) Each embassy and consulate should have sufficient quantities of materials to include SF 76s, and SF 186s, needed by U.S. citizens to register and vote. Embassies and consulates will also inform and educate U.S. citizens regarding their right to register and vote, and will publicize voter assistance programs.

(v) The Department of State's voting action officer shall coordinate with the Director, FVAP, in the development

and conduct of voting events, programs to inform and educate U.S. citizens outside of the United States, and provision of voting information and resources for assistance.

(vi) Department of State and the Military Service voting action officers shall assist, as requested, embassy and consulate VAOs with post-election surveys of civilians outside of the United States.

PART 234—CONDUCT ON THE PENTAGON RESERVATION

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AUTHORITY: 10 U.S.C. 131 and 2674(c).

SOURCE: 72 FR 29251, May 25, 2007, unless otherwise noted.

§ 234.1 Definitions.

As used in this part.

Authorized person. An employee or agent of the Pentagon Force Protection Agency, or any other Department of Defense employee or agent who has delegated authority to enforce the provisions of this part.

Operator. A person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

Pentagon Reservation. Area of land and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located. Pursuant to